

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CARLOS MARTELL and
CAMILLE GLYNN,

Plaintiffs,

v.

Case No. 2:10-cv-14896

IDS PROPERTY CASUALTY
INSURANCE COMPANY,

Defendant.

/

ORDER DIRECTING PLAINTIFFS TO CLARIFY DEFENDANT'S CITIZENSHIP

It has come to the court's attention that, in the course of the multiple amended pleadings submitted in this matter, Plaintiffs have never adequately alleged facts necessary to establish the court's subject-matter jurisdiction over their suit against the current Defendant, IDS Property Casualty Insurance Co. ("IDS"). For this reason, the court will order Plaintiffs to file a notice clarifying the citizenship of IDS, so the court can ensure it has diversity-of-citizenship jurisdiction over Plaintiffs' state-law cause of action.

In Plaintiffs' original complaint, filed with the court on December 9, 2010, they named IDS and Ameriprise Auto & Home Insurance ("Ameriprise A&H") as Defendants and alleged subject-matter jurisdiction through diversity of citizenship. See 28 U.S.C. § 1332. However, as articulated in the court's show-cause order of December 27, 2010, the complaint failed to allege the citizenship of IDS, defined under 28 U.S.C. § 1332(c)(1) as its state of incorporation and principal place of business. (See 12/27/10 Order 2, Dkt. # 4 (noting that complaint alleges only that IDS and Ameriprise A&H are "Wisconsin Corporation[s]" with their 'corporate business address located at' an

address in De Pere, Wisconsin" (alteration in original)).) Plaintiffs then filed an amended complaint naming as Defendant Ameriprise Financial, Inc. ("Ameriprise Financial"), the parent corporation of IDS and Ameriprise A&H. Because Plaintiffs alleged sufficient facts to demonstrate diversity-of-citizenship jurisdiction with respect to Ameriprise Financial, the court vacated its show-cause order.

Ameriprise Financial filed an answer to the amended complaint on March 4, 2011, and stated as an affirmative defense that it was not the proper defendant in the suit. In response, Plaintiffs filed a motion for leave to file a second amended complaint re-adding IDS as Defendant; the proposed second amended complaint merely alleges that IDS is a "Wisconsin corporation[] that conduct[s] business in the Eastern Division of the State of Michigan." (Pl.'s Mot. Amend/Correct Ex. 1, Dkt. # 13-1.) The motion was resolved by a stipulated order, entered on April 6, 2011, that substitutes IDS for Ameriprise Financial as Defendant without proffering any additional information as to IDS's citizenship.

The court has a continuing obligation to ensure its subject-matter jurisdiction over a dispute. *E.g., CDI Info. Servs., Inc. v. Reno*, 278 F.3d 616, 618 (6th Cir. 2002). Plaintiffs have the burden of establishing the prerequisites for the court's exercise of its diversity-of-citizenship jurisdiction, see *Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1194 (2010), and they have yet to adequately allege IDS's citizenship. As noted in the court's December 27, 2010 order to show cause, the court construes Plaintiffs' allegation that IDS is a "Wisconsin Corporation" to mean that IDS is incorporated under the laws of the State of Wisconsin. Nevertheless, Plaintiffs have never sufficiently alleged IDS's

principal place of business. (See 12/27/10 Order 2 (“A ‘corporate business address’ is not necessarily a corporation’s principal place of business.”). Accordingly,

IT IS ORDERED that Plaintiffs are DIRECTED to file with the court a notice clarifying the citizenship of Defendant IDS no later than **December 22, 2011**.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 15, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 15, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522